

CONSTRUCTION LIEN ACT (EXCERPT)
Act 497 of 1980

PART 3

570.1301 Laws controlling rights to lien and construction lien; requesting statement of date of owner's first contract with contractor; response; effect of failure to respond to request; definitions.

Sec. 301. (1) With respect to residential structures, this act shall control all rights to a construction lien arising from any project for which the contracting owner entered the first contract with a contractor on or after January 1, 1982.

(2) With respect to residential structures, Act No. 179 of the Public Acts of 1891, as amended, being sections 570.1 to 570.30 of the Michigan Compiled Laws, shall control all rights to a lien arising from any project for which the contracting owner entered the first contract with a contractor before January 1, 1982.

(3) Except as provided in subsection (1), this act shall control all rights to a construction lien arising from any project for which the contracting owner entered the first contract with a contractor on or after March 1, 1982.

(4) Except as provided in subsection (2), Act No. 179 of the Public Acts of 1891, as amended, being sections 570.1 to 570.30 of the Michigan Compiled Laws, shall control all rights to a lien arising from any project for which the contracting owner entered the first contract with a contractor before March 1, 1982.

(5) A contractor, subcontractor, supplier, or laborer may, by certified mail to the owner or designee, request in writing a statement as to the date of the owner's first contract with a contractor on the project. The owner or designee addressed shall respond by return mail within 10 days of the postmark of such request. The lien claimant may rely upon the information so provided in determining the applicable and controlling state law. Failure of the owner, lessee, or designee to respond to the request within the 10 days shall operate to extend the time within which:

(a) A subcontractor or supplier may provide a notice of furnishing, as described in section 109, until 20 days after the information actually has been furnished to the subcontractor or supplier.

(b) A laborer may provide a notice of furnishing, as described in section 109, until 90 days after the information actually has been furnished to the laborer.

(6) As used in this section:

(a) "Contractor" does not include a supplier, nor relate to a contract solely for preparation for the actual physical improvement such as surveying, soil boring and testing, architectural or engineering planning, or the preparation of other plans or drawings of any kind or nature.

(b) "Project" means the aggregate of improvements contracted for by the contracting owner.

History: 1980, Act 497, Eff. Jan. 1, 1982;—Am. 1981, Act 191, Eff. Jan. 1, 1982.

Compiler's note: At the beginning of subsection (6)(a), "Contractor" evidently should read "Contractor".

570.1302 Construction of act.

Sec. 302. (1) This act is declared to be a remedial statute, and shall be liberally construed to secure the beneficial results, intents, and purposes of this act. Substantial compliance with the provisions of this act shall be sufficient for the validity of the construction liens provided for in this act, and to give jurisdiction to the court to enforce them.

(2) This act shall not be construed to prevent a lien claimant from maintaining a separate action on a contract.

History: 1980, Act 497, Eff. Jan. 1, 1982;—Am. 1982, Act 17, Eff. Mar. 1, 1982.

570.1303, 570.1304 Repealed. 2010, Act 147, Imd. Eff. Aug. 23, 2010.

Compiler's note: The repealed sections pertained to the repeal of certain acts and creation of a joint review committee in the legislative council.

570.1305 Effective date of act; effective date of MCL 570.1303.

Sec. 305. (1) Except as provided in subsection (2), this act shall take effect January 1, 1982.

(2) Section 303 takes effect March 1, 1982.

History: 1980, Act 497, Eff. Jan. 1, 1982;—Am. 1981, Act 191, Eff. Jan. 1, 1982.